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C O N F I D E N T I A L SECTION 01 OF 04 JAKARTA 000908

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SUBJECT: COMMISSION ON TRUTH AND FRIENDSHIP HEARINGS

Classified By: CDA John Heffers, reason 1.4 (b) and (d)

¶1. (C) Summary: Following up on two days of hearings in Bali in February, the Commission of Truth and Friendship Indonesia-Timor Leste (CTF) began a weeklong series of hearings March 26-30. Featuring both prominent (Nobel Peace Prize winner Bishop Belo and former Indonesian President Habibie) and notorious (convicted militia leader Eurico Guterres and indicted Major General Makarim) personalities, the hearings have reflected a polite style in dealing with unpleasant subjects, provided witnesses extensive freedom to expound on their views in a manner of their own choosing, and are marked by a visible difference in questioning patterns between the Indonesian and East Timorese commissioners. The Indonesians solicited suggestions that the United Nations bore responsibility for the violence as well as the existence of a "culture of violence" in East Timor. The East Timorese commissioners searched for allegations of Indonesian government complicity. In probably the most surprising statement, Bishop Belo acknowledged East Timor to be a violent society. Former Indonesian officials/sympathizers laid blame on Portugal, the United Nations and Indonesia itself. We have been told by one commissioner that the CTF's mandate, which expires at the end of July, is likely to be extended another 6 months or a year. This message covers the first three days of the hearings. End Summary

¶2. (C) The Commission of Truth and Friendship Indonesia-Timor Leste (CTF) began a weeklong series of hearings March 26-30. This second session of public hearings follows two days of similar hearings held in Bali in February. At that time, the most prominent witness was former foreign minister Ali Alatas. Embassy personnel are attending all the current testimony. During the first three days, witnesses included former Dili Bishop Belo, former Indonesian President Habibie, convicted pro-integrationist militia leader Eurico Guterres and retired Major General Zacky Anwar Makarim, who has been indicted by the Special Crimes Unit. Several victim witnesses are scheduled to appear as are Major Generals Suhartono Suratman and Adam Damiri.

¶3. (C) Since the CTF does not have the power of subpoena, in many cases commission members held multiple meetings to persuade witnesses to appear. Testimony can also be taken in private at the request of witnesses, as it was done March 27 for former President Habibie. The style of the testimony has been to have each witness read a statement. Although the witnesses are asked to keep their remarks to thirty minutes, in practice they speak for as long as they wish and are allowed to address any point, relevant or not, that they choose. Once the statements are read commissioners are

called upon to ask for "clarifications" of the witnesses' views. Questioning is not accusatory in tone and tends to be politely phrased. Witnesses are free to avoid providing hard answers, engage in lengthy diatribes or suggest that the questions be addressed to others. Indonesian co-chairman Benjamin Mangkudilaga and acting East Timorese co-chairman Jacinto Alves taken turns presiding over the sessions.

The Testimony of Bishop Carlos Belo

¶4. (SBU) On March 26, the Commission heard from Bishop Belo, who dedicated most of his presentation describing events he saw and participated in as violence unfolded at the time of the referendum on East Timor's future. He described in detail a series of incidents involving killings and the destruction of church property. Since he spoke in Portuguese with consecutive translation into Indonesian, he eventually chose to cut short his statement due to its length (note: all the hearings have had concurrent translation into English). He described the Catholic Church's role as one that sought reconciliation and peace and as being institutionally neutral as to the referendum's result. He acknowledged under questioning that there were elements within the church that supported independence but said that he did not encourage proponents of either integration or independence. When East Timorese commissioner Cristovao asked for an opinion as to whether the destruction following the announcement of the voting results reflected Indonesian government policy, Belo declined to give a view. At one point he stated that an Indonesian colonel told him that the unfolding violence was at the behest of higher orders, but declined to speculate as to what those orders were or where they came from.

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¶5. (SBU) Indonesian Commissioner Agus Widjojo suggested to the Bishop that the three principle causes of the violence seemed to be the actions of Indonesian government personnel, pro-independence elements within the Church and the culture of violence within East Timor before the events of 1999. He asked Belo for the Bishop's assessment of which of the three was the largest cause of the violence. The Bishop declined to express an opinion but then said that there was a government apparatus and resistance to that apparatus existed. He then described East Timor as a place where there is no culture of peace but one of war that has existed since the 16th or 17th centuries. The East Timorese only feel good if they are at war, he said, and that it is in "our blood." He called that attitude a contributing factor to the 1999 events. In response to other questions he denied knowledge of any ballot fixing and affirmed that his own residence was burned down when it was attacked by militia men throwing Molotov cocktails. He said that the Indonesian military tried to make the Church a party to the events, but affirmed that he did not want the Church to play a political or social role but only a moral one. He pushed back a suggestion that the Church had some special relationship with the UN presence (UNAMET).

Pro-Indonesia Militia Leader Eurico Guterres

¶6. (C) In marked contrast to the orderly presentation by the Bishop, two days later Eurico Guterres, the only person convicted in the Indonesian courts for gross violation of human rights in the conflict, and who is currently serving a ten-year sentence, made a long rambling presentation that was all over the map. Its most distinguishing characteristic was it illustrated the broad leeway and massive patience that the CTF was ready to accord witnesses. Guterres' themes included a lengthy discussion of the CTF's lack of utility, the need to look at violence in East Timor's history since at least 1959, systematic criticism of Portugal, a clear sense of betrayal by Indonesia, and denial that he forced populations to move to West Timor. He called Bishop Belo a liar and

expressed hurt at being prevented from kissing the Bishop's ring during reconciliation meetings when pro-independence representatives were so permitted. He made regular reference to the continued violence in East Timor. He was regularly cheered on by supporters. When asked to place responsibility for the events for 1999, Guterres repeated his swipe at Portugal but said that the Indonesia was responsible for not maintaining order as it should have in accordance with the May 5, 1999 agreement.

¶7. (C) The most important aspect of this session is that while all of the commissioners looked bored throughout his near 90 minute ramble, they spoke to and about him with a remarkable level of respect. Two East Timorese commissioners stated that his criticism of the CTF was welcome input. Some Indonesian commissioners spoke along the same lines. Most notably, he was applauded by the commissioners themselves when he made statements of goodwill for the future of the two countries and East Timor itself. In closing, the East Timor co-chair noted that the whole proceeding would air on East Timorese television in the coming week and invited Guterres to address the people there, which he did for some ten minutes. The three hours ended with warm handshakes with the Indonesian co-chair and a hug from the East Timorese one. The session actually produced few facts, was mostly an opportunity for a prisoner to shine light on himself but it was used by the commission members as a mechanism to encourage the concept of reconciliation and that the East Timorese commissioners seemed as comfortable proceeding along those lines, at least in a public forum, as the Indonesian ones.

Major General Zacky Anwar Makarim

¶8. (SBU) Retired Major General Zacky Anwar Makarim, then Chief of the Task Force for referendum security, spent his time alleging a UNAMET conspiracy to bring about East Timorese independence through a fraudulent vote result. His thesis was that independence came about by design of the United Nations, that Indonesia was politically weak at the time and could not resist the pressure. He criticized then Foreign Minister Ali Alatas as not being willing to challenge UN fraud. He claimed that the UN recruited only pro-independence staff and blocked others. He alleged that pre-punched ballots were at the polling stations and claimed

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that UN information campaigns were designed to encourage votes for independence. He said that before the referendum that both Alatas and Dino Djajal (currently a senior foreign affairs adviser to the President, then assigned by the Ministry of Foreign Affairs to support GOI operations in East Timor) were protesting unfair actions by the UN. He also described UNAMET personnel as being recruited from NGO's and having little discipline, stating that one of them went to Papua and was arrested there for engaging in activities with independence activists there. He accused the UN of being unwilling to listen to sound advice, such as imposing a cooling off period by prohibiting campaigning for a few days before the vote itself. He described UNAMET as too Western-oriented in its thinking and unwilling to accept Indonesia's experience drawn from national elections earlier that year.

¶9. (SBU) When asked about being under indictment by the Special Crimes Unit, Makarim said that most of the charges related to events that occurred after he departed from East Timor. He rejected them as false. He acknowledged that security forces had committed crimes, but said they did not amount to gross violation of human rights because they were not a result of government policy. He also affirmed that the violations that did occur were neither systematic nor widespread. When asked if burning structures was policy, he denied it and replied that burnings in East Timor were a local habit. He said that burnings were a common form of

retribution there for all types of grievances and usually caused a cycle of reprisals. Makarim cited Portugal as most responsible for the events, due to the large numbers of weapons it left behind in the territory, affirmed that Indonesia was morally responsible for not preparing the referendum in a safe way, criticized the UN for its actions and cited the East Timorese themselves for making the conflict excessive.

Former President Habibie

¶10. (SBU) Other testimony included private statements by former President Habibie and public ones by two former regency heads in East Timor. According to statements made by Indonesian Commissioner Achmad Ali to the press, Habibie blamed then UN Secretary General Kofi Annan for announcing the referendum results three days earlier than had been previously agreed, leaving the GOI unprepared for the subsequent violence. He claimed that reinforcements to prevent violence were still on the way to East Timor. Ali suggested publicly that the Commission might try to invite Kofi Annan to testify. The two former regents, Domingos Mario dos Dores Soares and Martinho Fernandez, blamed UNAMET partiality for the resulting violence. Soares said that international solutions would not work in East Timor, citing current violence in the country. Viquesque complained of a lack of mechanisms to challenge electoral fraud.

Commission Will Need an Extension

¶11. (C) Commissioner Widjojo told PolCouns that the CTF, with a mandate that expires July 31, was likely to receive a six month or one year extension, since the report would not be completed on time. He expected Presidential approval on the Indonesian side and thought the East Timorese would agree. When asked whether he thought the commissioners would be able to produce a unanimous document, he responded that was a challenge they would have to face. He noted that it took nine months for the commissioners to agree to a common interpretation of the terms of reference. A senior Commission staffer told us separately that the Commission is planning at least four to six more multiple day sessions in the future. The locations and timing are yet to be determined.

¶12. (C) Comment: While the testimony does not seem to be breaking new ground with respect to what happened in 1999, there was a clear theme of trying to bring about some form of reconciliation between the two countries. The style of the sessions is one of respect for the witnesses and careful phrasing of the requests for "clarification." Commissioners are generally avoiding communicating any sense of hostility to the statements of the witnesses. Thus far, the sessions gave the sense that they were designed more for public airing of views, rather than a blow by blow description of events. The Commission is spending much time trying to review the

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many other reports that have been produced on the events of ¶1999. The overarching theme of the public hearings seems to be to set a tone that reconciliation of the past should happen and can be achieved.

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